

REMARKS

In the Final Office Action,¹ the Examiner took the following actions:

- 1) rejected claims 1, 3, 4, 7, 9, 11, 12, 15, 17, 19, 20, 23, 25-34, 36, and 37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,177,932 to Galdes et al. ("*Galdes*"); and
- 2) rejected claims 2, 5, 6, 8, 10, 13, 14, 16, 18, 21, 22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Galdes* in view of U.S. Patent 5,594,791 to Szlam et al. ("*Szlam*").

By this Amendment, Applicant cancels claims 2-6, 10-14, and 18-22, rendering the rejections thereof moot. Claims 1, 7-9, 15-17, 23-34, 36, and 37 remain pending in this application

Rejection of Claims 1, 7, 9, 15, 17, 23, 25-34, 36, and 37 Under 35 U.S.C. § 102(e)

Applicant respectfully traverses the rejection of claims 1, 7, 9, 15, 17, 23, 25-34, 36, and 37 under 35 U.S.C. § 102(e) as being anticipated by *Galdes*. In order to properly establish that *Galdes* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Final Office Action.

respectfully submits that *Galdes* fails to teach or suggest each and every element of Applicant's claims.

Independent claim 1, as amended, calls for a combination including, for example, "determining a counselor among a plurality of counselors based on the identification code . . . , wherein the identification code corresponds to the counseling link . . . selected by the user."

Galdes discloses that "[i]f the client selects synchronous help, the method includes the step of alerting the advisor." *Galdes*, abstract. *Galdes* further discloses that "help requests are allocated to advisors on a time basis, i.e., the advisor that is not busy will receive the next help request[,] . . . help requests may be allocated based on the advisor's level of knowledge in the area of the help request[,] . . . [or] the customer's history may influence what advisor receives the help request." *Id.*, col. 8, lines 53-59. Moreover, "if the advisor can not answer . . . , an elevation unit 330 elevates the customer's help request . . . to a second advisor." *Id.* col. 3, line 63 to col. 4, line 2.

Accordingly, *Galdes* teaches choosing an advisor based on advisor's time, advisor's knowledge, or customer's history. However, *Galdes* does not teach "determining a[n advisor] among a plurality of [advisors] based on the identification code . . . correspond[ing] to the counseling link . . . selected by the user," as required by claim 1 (emphasis added). Therefore, *Galdes* fails to teach "determining a counselor among a plurality of counselors based on the identification code . . . , wherein the identification code corresponds to the counseling link . . . selected by the user," as recited in claim 1. For at least this reason, *Galdes* fails to teach or suggest all the elements of claim 1. *Galdes* thus fails to anticipate claim 1.

Furthermore, independent claims 9, 17, 25-31, and 34, although different in scope from claim 1, are allowable over *Galdes* for at least reasons similar to those given for claim 1. In addition, dependent claims 7, 15, 23, 32, 33, 36, and 37 are allowable over *Galdes* at least by virtue of their dependence from allowable base claims 1, 9, 17, 31, and 34. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1, 7, 9, 15, 17, 23, 25-34, 36, and 37 under 35 U.S.C. § 102(e).

Moreover, in an embodiment of the claimed invention, the identification code is a connector between a user and a counselor. That is, when the user selects a counseling link on a webpage, an identification code corresponding to the selected counseling link is generated. Then, the identification code is used to map a particular counselor group, which is pre-configured in, for example, a table, with the user. For example, if the user clicks a counseling link on a webpage of a shopping mall site containing Chanel cosmetic products, an identification code is generated which maps the user with a counselor who handles Chanel cosmetic products.

However, *Galdes* discloses that an advisor is selected by using the counseling information. For example, in *Galdes*, a help request is transmitted to the advisor who will handle this help request (col. 8, lines 51-53), and then the help request is direct to an appropriate counselor based on the counselor's level of knowledge in the area of the help request (col. 8, lines 55-58).

Furthermore, *Galdes* includes the steps of transmitting the counseling information to the entire counselor group and then selecting the counselor who is appropriate for the counseling information.

Contrarily, in an embodiment of the claimed invention, the most appropriate counselor is predetermined for each counselor link, making the counselor-selecting step much simpler than that of *Galdes*. In the above example of Chanel cosmetic products, if the user clicks on the counseling link on the webpage containing Chanel cosmetic products, the user is directly connected to a counselor who handles Chanel cosmetic products.

In addition, in an embodiment of the claimed invention, when the identification code is used, the click information on the counseling link already includes information on the counseling topic (e.g., Chanel cosmetic products), and thus the steps of *Galdes* where the user selects and enters query (see *Galdes*, col. 6, lines 3-12) are not required.

Rejection of Claims 8, 16, and 24 Under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 8, 16, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Galdes* in view of *Szlam*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." M.P.E.P. § 2142(III), 8th Ed., Rev. 6 (Sept. 2007). "[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . are as follows:

(A) [Determining the scope and content of the prior art;]

(B) Ascertaining the differences between the claimed invention and the prior art;
and

(C) Resolving the level of ordinary skill in the pertinent art.”

M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Here, a *prima facie* case of obviousness has not been established because the scope and content of the prior art have not been properly determined and the differences between the claimed invention and the prior art have not been properly ascertained. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

As discussed above, *Galdes* fails to teach or suggest “determining a counselor among a plurality of counselors based on the identification code . . . , wherein the identification code corresponds to the counseling link . . . selected by the user,” as recited in independent claim 1, and required by dependent claim 8. The Examiner states that “*Szlam* teaches of providing advertisements within a customer service setting.” Final Office Action at 5. Even assuming this correct, which it is not, *Szlam* fails to cure the above-noted deficiencies of *Galdes*. That is, *Szlam* also fails to teach “determining a counselor among a plurality of counselors based on the identification code . . . , wherein the identification code corresponds to the counseling link . . . selected by the user,” as recited in claim 1, and required by claim 8.

For at least the foregoing reasons, the scope and content of the prior art have not been properly determined, and the differences between the prior art and claim 8 have

not been properly ascertained. Thus, no reason has been clearly articulated as to why the prior art would have rendered claim 8 obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 8. Furthermore, dependent claims 16 and 24, although different in scope from claim 8, are allowable over the prior art for at least reasons similar to those given for claim 8. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 8, 16, and 24 under 35 U.S.C. § 103(a).

Conclusion

Applicant respectfully requests the Examiner to enter this Amendment under 37 C.F.R. § 1.116, placing claims 1, 7-9, 15-17, 23-34, 36, and 37 in condition for allowance. Applicant submits that the proposed amendments of claims 1, 7-9, 15-17, 23-30, and 34 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Applicant further submits that the entry of the amendments would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

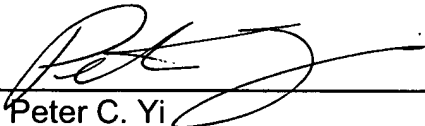
In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Peter C. Yi
Reg. No. 61,790
(202) 408-4485